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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/678,402

Filing Date

10/03/2003

First Named Inventor

Keith Alan Miesel

Art Unit

3762

Examiner Name

Unknown

Attorney Docket Number

009.6001 (P-11290.00)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ingrassia Fisher & Lorenz PC		
Signature			
Printed name	David K. Benson		
Date	November 11, 2004	Reg. No.	42,314

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	David K. Benson	Date	November 11, 2004

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UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Miesel et al.

Group Art Unit: 3762

Serial No.: 10/678,402

Examiner: Unknown

Filed: 10/03/2003

Attorney Docket No.: 009.6001 (P-11290.00)

For: SYSTEM, APPARATUS AND METHOD FOR INTERACTING WITH A
TARGETED TISSUE OF A PATIENT

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT

Commissioner for Patents

P O Box 1450

Alexandria, VA 22313-1450

Commissioner:

In accordance with 37 C.F.R. 1.56 and in a manner prescribed by 37 C.F.R. 1.97 and 1.98, this Information Disclosure Statement IDS is being submitted herewith for consideration by the United States Patent and Trademark Office.

I. **CONTENT**

This IDS includes:

- ☒ A list of all patents, publications, applications, or other information submitted for consideration by the Office on PTO/SB/08A Form, which is included herewith;
- ☒ A legible copy (if appropriate) of: (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) all other information or that portion which caused it to be listed, unless subsequently provided in this IDS.

BEST AVAILABLE COPY

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- ☒ Except as may be subsequently indicated in this section II, a concise explanation is not required as all of the patents, publications, applications or other information are in the English language.
- ☐ A concise explanation of the relevance, as it is presently understood by the individual designated in 1.56(a) most knowledgeable about the content of the information, of all patents, publications, applications or other information listed that is not in the English language.
- ☐ A copy of the translation of a non-English Language document, or portion thereof. (e.g., a translation of an abstract)
- ☐ Any patent, publication, pending U.S. application or other information that is listed on PTO/SB/08A Form, which are not enclosed herewith were previously cited by or submitted to the Office in one of the following applications that has been relied on for an earlier effective filing date under 35 U.S.C 120 and the IDS submitted in the earlier application complies with paragraphs (a) through (c) of 1.98:

U.S. Application Serial No.	U.S. Filing Date

III. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(b): (check one box)

- ☐ Within three months of the filing date of a national application other than a continued prosecution application under 1.53(d).
- ☐ Within three months of the date of entry of the national stage as set forth in 1.491 in an international application.
- ☒ Before the mailing date of a first Office Action on the merits. In the event that a first Office Action on the merits has been mailed, please consider this IDS under 37 C.F.R. 1.97(c) and see the statement under 1.97(e) or charge deposit account 50-2091 the fee specified by 37 C.F.R. 1.17(p) if such statement is not selected in Section VI.
- ☐ Before the mailing of a first Office Action after the filing of a request for continued examination under 1.114.

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(c):

- ☐ After the period specified in 27 C.F.R. 1.97(b) and before the mailing date of any of a final action under 1.113, a notice of allowance under 1.311 or an action that otherwise closes prosecution in the application, and accompanied by:
- ☐ a statement specified in 1.97(e) as subsequently provided in this IDS; or
- ☐ the fee set forth in 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(d):

- ☐ After the period specified in 27 C.F.R. 1.97(c) and on or before the payment of the issue fee, and it is accompanied by a statement specified in 1.97(e) as subsequently provided in this IDS and the fee set forth in 1.17(p).

VI. Statement under 37 C.F.R. 1.97(e) (check only one box)

The undersigned hereby states that:

- ☐ Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$_____ is enclosed for fees due with respect to this IDS.
- ☐ Please charge Deposit Account No. _____ in the amount of \$_____ for the fees due with respect to this IDS. A duplicate copy of this paper is included with this IDS.

VIII. CONCLUSION


It is respectfully submitted that the claims presently on file patently distinguish the present invention from each of these references cited in this IDS. The references cited in this IDS are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art. Furthermore the filing of this IDS should not be construed to be an admission that the information cited in this IDS is, or is considered to be, material to patentability as defined in 1.56(b). In addition, the filing of this IDS should not be construed as a representation that a search has been made.

If the Examiner has any questions concerning these IDS, the Examiner is requested to contact the undersigned at the telephone number associated with Customer No. 29,906. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 50-2091.

Please charge any additional fees or credit any overpayment related to this IDS to Deposit Account No. 50-2091.

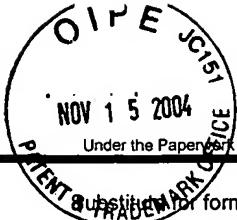
Respectfully submitted,

Date: November 11, 2004

By: 
David K. Benson
Reg. No. 42,314

Ingrassia Fisher & Lorenz
Customer Number 29906

Enclosures: ☒ PTO/SB/08A
☒ References
☐ Foreign Search Report
☐ Fee
☐ Other: _____



PTO/SB/08A (08-03)

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Substitute form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	10/678,402
Filing Date	10/03/2003
First Named Inventor	Keith Alan Miesel
Art Unit	3762
Examiner Name	Unknown
Attorney Docket Number	009.6001 (P-11290.00)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-4,595,009 A1	06-17-1986	Leinders	
		US-4,791,935 A1	12-20-1988	Baudino et al.	
		US-5,275,171 A1	01-04-1994	Barcel	
		US-5,280,413	01-18-1994	Pai	
		US-5,281,219	01-25-1994	Kallok	
		US-5,314,495 A1	05-24-1994	Kovacs	
		US-5,325,870 A1	07-05-1994	Kroll et al.	
		US-5,336,253 A1	08-09-1994	Gordon et al.	
		US-5,411,532 A1	05-02-1995	Mortazavi	
		US-5,423,873 A1	06-13-1995	Neubauer et al.	
		US-5,470,345	11-28-1995	Hassler et al.	
		US-5,513,793 A1	05-07-1996	Malmgren	
		US-5,571,156 A1	11-05-1996	Schmukler	
		US-5,593,430 A1	01-14-1997	Renger	
		US-5,620,476	04-15-1997	Truex et al.	
		US-5,643,330 A1	07-01-1997	Holsheimer et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 0 844 899 B1	07-30-2003	Alfred E. Mann Foundation for Scientific Research		
		GB 2 124 495 A	02-22-1984	Teletronics Pty. Ltd.		
		GB 2 134 335 A	08-08-1984	Commonwealth of Australia		
		GB 2 166 606 A	10-04-1985	Teletronics Pty. Ltd.		
		WO95 19804 A1	07-27-1995	Medtronic, Inc.		
		WO97 06853 A1	02-27-1997	Alfred E. Mann Foundation for Scientific Research		
		WO97 20332 A1	06-05-1997	Maxwell Laboratories, Inc.		
		WO97 38752 A2	10-23-1997	Medtronic, Inc.		
		WO97 38752 A3	10-23-1997	Medtronic, Inc.		

Examiner
SignatureDate
Considered

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/678,402
				Filing Date	10/03/2003
				First Named Inventor	Keith Alan Miesel
				Art Unit	3762
				Examiner Name	Unknown
Sheet	2	of	2	Attorney Docket Number	009.6001 (P-11290.00)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-5,683,435	11-04-1997	Truex et al.	
		US-5,738,270 A1	04-14-1998	Malmgren	
		US-5,782,891	07-21-1998	Hassler et al.	
		US-5,843,135 A1	12-01-1998	Weijand et al.	
		US-5,925,070 A1	07-20-1999	King et al.	
		US-5,935,155	08-10-1999	Humayun et al.	
		US-5,999,848 A1	12-07-1999	Gord et al.	
		US-6,011,993 A1	01-04-2000	Tziviskos et al.	
		US-6,052,623	04-18-2000	Fenner et al.	
		US-6,163,723 A1	12-19-2000	Roberts et al.	
		US-6,411,854 B1	06-25-2002	Tziviskos et al.	
		US-6,414,835 B1	07-02-2002	Wolf et al.	
		US-6,418,348 B1	07-09-2002	Witte	
		US-6,421,566 B1	07-16-2002	Holsheimer	
		US-20020128694 A1	09-12-2002	Holsheimer	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)				
		WO99 06105 A1	02-11-1999	Desmond, Noel		
		WO99 49934 A1	10-07-1999	Johnson & Johnson Professional, Inc.		
		WO00 56677 A1	09-28-2000	Alfred E. Mann Foundation		
		WO03 003791 A1	01-09-2003	Cochlear Limited		
		WO03 033070 A1	04-24-2003	Case Western Reserve University		
		WO03 092807 A1	11-13-2003	Medtronic, Inc.		

Examiner Signature		Date Considered	
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